

1 situation on June 20th when you inquired um, about
2 what you say was an ignored grievance and that the
3 NMC Board of Regents was advised of this situation.
4 First of all, what situation are you alleging they
5 were advised of?

6 A Ah I stated I -- I inquired about the ignored March
7 9th grievance and EEO complaint because normally,
8 according to Board policy, these are ah -- ah action
9 takes place within 15 days and then there's a
10 procedure, you know from the standpoint of a--

11 Q So -- so it's your--

12 A And then -- yeah, and then in the follow up, June
13 20th, I, again, inquired about why it was ignored in
14 ah, the standpoint of they were advised, meaning
15 that they got a ah, courtesy copy.

16 Q Of your letter asking....

17 A Right.

18 Qfollowing up? .

19 A Right.

20 Q Your inquiry letter?

21 A Right.

22 MR. SMITH: Okay.

23 A Since the Board would be involved in these matters.

24 Q Okay, and you -- and your allegation or your
25 statement that the Board was advised, ah are made

1 because the Board secretary signed off on copies of
2 your letters?

3 A The special assistant and, of course, I would talk
4 with him and um -- and follow up verbally, ah did
5 they receive any -- he was a conscientious person
6 and he always ah--

7 Q Who's that?

8 A At the time it was Vince Merfalen? This particular
9 period?

10 Q Do you -- did you ever speak directly with Board
11 members about this situation, in particular?

12 A Board Regent, ah Abby Cing, ah--

13 Q About this follow up?

14 A Well, my March 9th complaint focused on the Pacific
15 Rim Academy Program being denied, being put on the
16 ah, schedule almost two or three ah, semesters in a
17 row after it was promised, we had it in writing and
18 we plan and Mr. Wolfe had spent a lot of money, I
19 spent a lot of time, so after about the third time I
20 think it was in, yeah, 2001 part ah -- Regent Cing
21 asked me what seems to be the problem and I said we
22 -- the Board has to get involve in this, something,
23 yes or no, kill the program ah, you know people said
24 they want it, but I need support and ah, we have
25 students signed up, we have EAP man -- EAP money,

1 scholarship money lined up um, and she then asked me
2 to request a ah, Board meeting ah, and so I--

3 Q This is ah, Regent Cing?

4 A Cing. And I put in a request, I said I know it
5 should be going through the programs, I believe she
6 was in charge of programs at the time, subcommittee
7 chairperson. So, I put a request in um, that this
8 would be an item on a future special programs
9 meeting that I would be there, plus the -- Mr. Wolfe
10 has to be part of this meeting.

11 What I got back was that um, basically I was
12 not following protocol and when I asked what -- what
13 is the protocol, they said I have to bring it to the
14 dean's level first before I bring it to the
15 president's office and so I went to the dean's level
16 and he asked me why I was scheduling this meeting, I
17 said, it wasn't myself, it was at the request of
18 Regent Cing. She's the one who requested, she asked
19 me just to ah, ask to put on -- yeah, put on an item
20 and ah, from the dean's level, basically the request
21 was ah, squashed.

22 MR. SMITH: Okay.

23 A It did come up, like I say later, ah from the
24 standpoint of Mr. Wolfe filing this ah, litigation,
25 ah document, you know threat of litigation with the

1 college.

2 Q He did not file litigation, correct?

3 A No, he just he -- he filed a -- he filed a letter
4 with the college, ah actually it was the attorney
5 for him that filed -- had the letter served.

6 Q Okay, um you had a meeting with ah, Jack Sablan,
7 this is in paragraph 44 of your complaint where you
8 say you resolved some related issues. What issues
9 did you resolve with then President Jack Sablan?

10 A It was made out in a ah, plan of action that he had
11 Mr. Propst put together with ah, myself and ah,
12 Mr. Wolfe--

13 Q Do you have a copy of that?

14 A I believe so.

15 Q Okay, what did it say in that plan of action?

16 A Um, first Mr. Sablan ah, he asked why it had gotten
17 to this point of possible legal action and Mr. Wolfe
18 had, you know we had documents ah, to the effect
19 that....

20 Q This is--

21 Athis program should have started--

22 Q This -- this -- so what you're talking about here is
23 Pacific Rim Academy, not your ah, EEO grievance?

24 A Well, he knew that the Pacific Rim Academy was part
25 of because he asked me in this meeting what was my

1 position in this matter ah, was I for the college or
2 for Mr. Wolfe and I said I have a separate issue and
3 it's in my grievance, in that as an employee of the
4 college I filed a grievance because I was going
5 through the same situation I had gone through in '99
6 with this Barbara Moyer. So, he ah, said let's take
7 care of the Pacific Rim Academy, I said that's ah,
8 the primary purpose of this particular meeting was
9 to get the Pacific Rim Academy finally started up,
10 and this was in the Fall of ah, 2001, I believe.

11 Q So, the only issues that were -- actually, the
12 related issues that were resolved were strictly
13 Pacific Rim Academy issues?

14 A Ah and--

15 Q Not...[unintelligible]--

16 A And, management because he ah -- ah Mr. Sablan made
17 a point of ah -- ah, he was the president at the
18 time, made a point of the fact I did not have to
19 seek approval or go through Barbara Moyer's office
20 and that was a ah, kind of a touchy point with the
21 ah -- Barbara Moyer at the time because I believe
22 she was vice president at the time and he made a --
23 like I said he made a point of ah, that she would be
24 ah, sort of by passed.

25 Q Okay. I just want to, and maybe we can summarily

1 deal with this, this is in paragraph 46, you
2 challenged the hearing dismissal that um, ah you
3 claim your EEO complaint was summarily dismissed and
4 you challenged that hearing dismissal and the Board
5 of Regents was advised of that situation again. Um,
6 are we -- are we talking again just about the Board
7 receiving copies of your letters? Is that -- is
8 that all we're discussing? When you say the Board
9 of Regents was advised of the situation?

10 A That was all we could do, we were ah, advised not to
11 contact the Board directly. Ah, and the way we, you
12 know in the Board policies, they give you time then
13 to submit your complaint, you know in written form,
14 so I just followed the Board policy of how to advise
15 them and it was by, you know written documentation
16 and making sure that the ah, special assistant
17 received these in a timely manner.

18 Q Okay, um and, again, that's just strictly by
19 delivering letters to their secretary?

20 A Special assistant to the Board.

21 MR. SMITH: Special assistant, okay.

22 A Yeah, and--

23 Q Because that was the only way you had of contacting
24 them?

25 A Of course, ah I knew most of the Board Regents. Um,

1 they had changed. Ah I was very close with ah,
2 Judge Villagomez and ah, it was Manny Sablan on the
3 previous Board, and then they had a big changeover,
4 so the newer Board wasn't quite as ah, let's say, ah
5 open or, you know we didn't see them that much, ah
6 although except for Regent Cing. Ah, she would
7 check because she -- I used to work with her in the
8 same department and we were fairly close so, she
9 would ask me how things are going, like I said
10 earlier about she wanted a meeting of the Board and
11 then that was quashed, so ah, she knew the situation
12 because she ah, had her run-ins with Barbara Moyer
13 also and she'd asked me how I was going and I'd say
14 it's still kind of rough.

15 Q What -- what um -- do you know if the Board ever
16 read any of your letters?

17 A I -- I could not say for sure.

18 Q What kind of run-ins did ah, Regent Cing have with
19 Barbara Moyer?

20 A Um, just management. Ah--

21 Q Barbara Moyer was over her?

22 A At times because she moved in different positions, I
23 just remember ah, the whole department, she ah --
24 there were run-ins from the standpoint of ah -- ah
25 it was documented ah, by--

1 OFF/ON RECORD -- Continued on Tape 3, Side B.

2 A Again, I couldn't ah, say for positive what the run-
3 ins were, I just knew that most people, ah had
4 situations with ah, Barbara Moyer on the fact of her
5 management style.

6 Q Okay. Do you like Barbara Moyer?

7 A It's not a matter of ah -- ah disliking or liking
8 her as a person, ah I always ah, looked at her as a
9 ah, supervisor and somebody to work with, I try to
10 keep it on a professional basis. Um, I -- I never
11 went out to dinner with her, but ah, again, I always
12 try to approach people, even if they were difficult
13 as a -- as professional as possible because I knew
14 if I created this major dislike or made it -- my
15 students would suffer and, so I know if somebody
16 disliking you back, at times would deny you things,
17 ah so again, I try to keep it as professional as
18 possible.

19 Q Okay, um how are you improperly denied interviews
20 for the Dean's position and President's position?

21 A In July -- or May, in that time frame, I applied for
22 the Dean's position? Um--

23 Q The Dean of?

24 A Dean of, it changed its title, the one Jack Sablan
25 was given the position after he had resigned

1 abruptly? In 2002? I think it was? And then ah, a
2 few months later there was a Dean's position open
3 and I applied for this position um, and I've been an
4 acting Dean on a few occasions before and I felt
5 qualified and I was qualified except for one factor,
6 they wrote back a letter to me saying I did not have
7 the necessary three years of post-secondary teaching
8 and I knew I had ah, in the area of seven years of
9 post-secondary teaching?

10 Q What is post-secondary teaching?

11 A Teaching at the college level.

12 Q Okay, and you need to have three years for those
13 positions? According to your understanding?

14 A Yeah, the JVA, job vacancy announcement, ah required
15 three years of ah, this post-secondary teaching.

16 Q Can you give me your years of post-secondary
17 teaching? Your experience in that?

18 A I believe it's in a document that I supplied ah,
19 it's teaching when I was in Tinian as the principal
20 of the high school, I taught part time at the
21 college campus.

22 Q And, part time ah, is sufficient?

23 A Ah it's equated as, I think it's given half credit,
24 ah in the -- in the calculation of ah, time. Then I
25 taught ah--

1 Q How long was that that you taught on Tinian?

2 A Over a span of two years.

3 Q Okay, so did you get a full year? Or just a portion
4 of the year?

5 A I think I was -- they evaluated from the courses I
6 taught and time, they checked my records, I believe
7 a year.

8 MR. SMITH: Okay.

9 A Normally, if you adjunct part time, it's half.

10 Q Okay, what other post-secondary teaching experience
11 do you have?

12 A At the college, ah I taught for University of Guam,
13 the course -- ah the courses that were taught there
14 at Guam -- I mean, at the campus.

15 Q At the campus? University of Guam?

16 A They were -- prior to the college receiving its four
17 year accreditation? Ah they had a four-year program
18 School of Education, but it was in conjunction with
19 the University of Guam. So, after my doctorate, ah
20 I was contacted by University of Guam people if I
21 was interested in teaching courses ah, and I said I
22 would and I taught courses, ah for the University of
23 Guam.

24 Q Okay, and did you do that on a full-time basis?

25 A Part time.

1 Q Part time, and how long did you do that?

2 A Over a span of -- because there was also regular
3 School of Education courses that I taught and I
4 taught at the Adult School, college courses there at
5 the Adult School, so just, you know period of from
6 '97 through 2002?

7 Q Did your teaching at the Adult School count as post
8 secondary teaching education experience?

9 A I'd have to check the document because they ah --
10 because I put in, I requested about eight years of
11 credit for post secondary? And I was given six
12 point three.

13 Q It was -- now, that's -- you requested eight? Ah
14 this includes like your two years on Tinian and then
15 they melted it down to -- to six point--

16 A I -- I just submitted approximately eight years of
17 experience and ah -- and it was explained because we
18 had a meeting ah, with Human Resources and they
19 explained that some of that would be cut down, and I
20 agreed, ah with their evaluation. It's a universal
21 type of grading or evaluation system and it shrank
22 down to ah, six point three.

23 Q Who was that discussion with Human Resources with?

24 A The Director of Human Resources and the evaluator of
25 my ah, time.

1 Q Who are those?

2 A Elsie Dela Cruz and Bobby Hunter.

3 MR. SMITH: Okay.

4 A And, again, that's why I contested the fact that I
5 was not allowed to interview for the President's
6 position when President Wright was selected because,
7 again, they said I did not have the necessary five
8 years teaching experience, that was the only reason
9 that was listed on their letter of my being
10 ineligible.

11 Q Okay. Um, you -- you state in paragraph 50 that you
12 met with Dr. Wright on September 3rd, 2002, ah and
13 presented him with discussion points. What were
14 your discussions points? What -- which ones did you
15 raise with him?

16 A Ah, support of the film and TV program which ah,
17 there was a lease that I brought with me that had
18 this international program factor and I explained
19 shortly the ah, what I -- my dream was and then the
20 overall vocational program, especially the prison
21 programs. Ah there was criticism I was receiving
22 that we weren't charging them tuition from the
23 management of NMC? And I tried to explain to him
24 that it's pretty difficult having prisoners pay
25 tuition and ah, so they ah -- I wanted his ah, you

1 know commitment. Um, I listed the various programs,
2 Corrections, DYS, ah film and TV regular courses and
3 ah--

4 Q Is this basically the same list of programs that you
5 -- that we earlier discussed that you--

6 A No, the 2 -- I can say the 2+2 was out of my
7 department at the time. Ah, and the Adult School?
8 They both had moved on? So, mainly concentrated on
9 the vocational and certain special projects that I
10 had started up? Film and TV and ah -- ah I was
11 beginning to ah -- the international, you know
12 factor, you know having students come in ah, so ah,
13 again, I went over these points and he said he
14 supported vocational programs, ah and that was
15 pretty much the gist of it. And, then ah, I asked
16 him what he had planned, he said, well, he had a
17 plan for vocational programs, you know like to
18 support for them and I said, good. Ah that's all I
19 wanted to hear because my complaint was for lack of
20 support and I figured that if he made a commitment
21 being the president, I wouldn't have to deal with
22 the non-support from Barbara Moyer.

23 Q So -- so when you say you had this discussion with
24 him, it was to present a complaint?

25 A Well, we met because of the grievance hearing on

1 August 27th when he walked in and only been on board
2 for a week. And I consulted with ah, my counsel at
3 the time, Mr. Aguilar, and he -- he agreed that we
4 offer a, you know good faith suspension of the
5 hearing to allow a new president to come in on a
6 management level and have these things resolved. Um
7 and then that was agreed upon and then we went to
8 this meeting on September 3rd and it seemed to be
9 everything was agreed upon and ah, there's --
10 there's a letter to that effect, but--

11 Q From who?

12 A Ah Dr. Wright, President Wright. He wrote the Board
13 a letter because they asked, the Board asked ah, him
14 what happened in that meeting? Because I said it
15 was--

16 Q Meeting with you?

17 A Yes.

18 MR. SMITH: Okay.

19 A Because I made a statement that it seem to be
20 successful and they wanted it in black and white so
21 then he wrote a letter to that effect, ah that the
22 meeting was successful.

23 Q Okay, and then, but ah -- then one month later or
24 less than a month later you were terminated?

25 A Ah 21 days later, three weeks later.

1 Q Okay, um can you explain for me, or just describe
2 for me your termination and -- and ah, the portions
3 that you deem were improper?

4 A Okay, the meeting on the 3rd left me with the feeling
5 that there was support, ah I knew limited, ah you
6 know get your head up in the clouds. Ah, there was
7 a financial situation that we had to discuss, I had
8 virtually no budget. Ah, this was reviewed by the
9 Lt. Governor's office because I had submitted this
10 plan ah, to him and asked for support, ah then we
11 had a meeting about the financial situation and I
12 got permission to approach the Governor then for
13 hard money and he reviewed my budget and even wrote
14 in his ah, memo or letter to me ah, that they're
15 very underfunded programs. He was concerned about
16 these programs.

17 So, he ah -- I felt with the September 3rd
18 meeting and the follow up that had Mr. Wolfe and ah,
19 President Wright that we were getting in the
20 direction of support and some money and then ah, on
21 September 24th, I came to work and ah, I was called
22 by the Governor's Office to report to the Lt.
23 Governor's Office, there's very good news for me?
24 And, I left the -- actually I told the secretary
25 that I was -- for the other business department

1 because I had no secretary that I'd running up to
2 the hill to get the good news and everything, so I
3 was leaving, going out the door, but then I forgot
4 something in the office, I came back in the office
5 and then I picked up what I needed and as I turned
6 around um, President Wright was standing on the
7 doorway with Barbara Moyer behind him and I said
8 good morning and he said, ah here. He just handed
9 me ah, this letter and I sort of, you know speed
10 read and I looked at Barbara Moyer and she had a
11 kind of a smirk on her face and he said ah,
12 basically, ah what do you plan to do and I said, ah
13 I plan to get this to an attorney. Now, could you
14 excuse me, I wanna go up to the Lt. Governor's
15 Office, I have some money for the college.

16 So, I went to the Lt. Governor's Office. He
17 came out, there was like a little celebration, but I
18 had to advise him that I could not accept the check
19 because I had been terminated and told to leave the
20 ah, campus within four hours and that the locks
21 would be changed. So, there was ah, like a feeling
22 of ah, they didn't trust, you know wondering why
23 have the locks changed, so I told the Lt. Governor
24 the circumstances, ah keep the check, please don't,
25 you know take it back.

1 MR. SMITH: Yeah.

2 A Just please hold it until the next person can accept
3 it and I believe Eric Plinsky went up later and ah,
4 picked it up for the college.

5 So, it was a very traumatic morning. My
6 daughter was there and she broke down crying.

7 Q She was there when you received the notice?

8 A When I came back from the Lt. Governor's Office she
9 came over to check me and I was filling up a box and
10 ah, she said what's going on and I said that I had
11 been asked to leave the college, so.

12 Q What kind of disruption did your termination have to
13 your programs and to your students?

14 A Um, the type of students I had were half risk
15 students? A lot of them? Ah, because I had the
16 film and TV. Film and TV, of course, attracted some
17 top notch students and, but they too, took a lot of
18 man -- people hours ah, because they're in to a very
19 professional program, you know a very challenging
20 program and dealing with the professionals. I mean
21 it's a shock to some people, so I was like a buffer?
22 Um in that I constantly talk with them? Ah, counsel
23 them? Explain that, hang in there because you're
24 learning from pros and you're gonna get a good, you
25 know work ethic ah, and it showed later with several

1 of them.

2 And then the course with the prisoners and DYS,
3 the importance of my being there, it was mentioned
4 several times of how I leave my office and go visit
5 the jails, incarceration, go right inside and speak
6 with them, ask them about their families, um if
7 they're getting released? I would ah, start the
8 paperwork on -- well, they're already in college, I
9 said you're already registered and ah, they would
10 come to my office for ah, to be shown around the
11 campus, make them feel at ease, to break that ah,
12 fear of ah -- because you know most prisoners ah, do
13 have self esteem problems at times and so just
14 getting back on track.

15 So, ah -- so the prisoner program, DYS, um I
16 co-taught these programs with Lino because he had
17 two programs? There's transportation issues? And I
18 would drive my own truck, pick up students, you know
19 drop them off ah--

20 Q Is that part of the requirements of that program?

21 A Well, our adult program that we had ongoing in our
22 ah -- we had seminar programs that we gave. See,
23 the adult program you had to work or take vocational
24 training as a part of the requirement to graduate
25 and we had an agreement with the Adult Department,

1 Education Department that we'd provide training, and
2 we did, and a lot of the students, when we were
3 signing them up, I would hear people not signing up
4 because of transportation problems ah, and I would
5 go to their homes and tell them they had chauffeur
6 service ah, back and forth to the college, so--

7 Q Meaning you?

8 A Me. And, so I think Lino would take the school
9 truck and pick up several people, but I'd take my
10 own truck and ah, pick up people and drop them off.

11 Q So, when you were terminated, did that stop? Or had
12 you already ceased the practice prior to being
13 terminated?

14 A It was still ongoing. Ah, September being the
15 first, yeah we're still in the beginning of the
16 semester. Ah, then I just started programs on Rota?
17 An automotive program that was ah, deemed successful
18 and -- and very well liked. Tinian? I had
19 construction--

20 Q Did that program fold after you--

21 A I don't -- I don't believe so, I don't -- ah, I knew
22 it was continued into like a 2+2 program even on
23 Tinian? Ah, it was, you know turned into like a 2+2
24 program so I had the support of the high school? In
25 the other islands, you know they help each other,

1 you know small places, so ah, and plus, the
2 administrators, I'd always work with them that they
3 could run the programs, not my being there.

4 Q Did -- did the students not complete classes because
5 of your termination?

6 A There was one class, um that never -- because I did
7 most of the registration, I'd hand carry documents
8 to make sure that they were fully registered?

9 MR. SMITH: Uh-huh.

10 A Ah and then ah, signed off? And I believe Lino, at
11 the time, he had a memo he showed me and I believe
12 something to the effect that one class was stopped
13 and in the process the students received all F's?
14 For grades? And I--

15 Q It was stopped strictly because you were terminated?

16 A Ah, it -- from the standpoint it had to -- it
17 related somehow to my termination, um and then Lino
18 not being an administrator, ah he was an instructor,
19 asked me ah, what -- how to go about because he felt
20 sorry for these ah, students and I explained to him
21 that, please, who's the supervisor and he said he
22 didn't really know. Ah eventually, they put the
23 math and science chairperson sort of like in charge
24 of this department and he always, I guess referred
25 it to somebody else to take care of, but I just said

1 you have to have those students' names brought into
2 Admissions and make sure it's corrected because the
3 F could hurt them eventually and after that, I don't
4 know what happened to it.

5 Then I have eighty -- because the Admissions,
6 when I was checking out, they came up and wished me
7 well and they provided me a list of my students?
8 And, ah because President Wright had come out in the
9 newspapers that I had zero students in my classes?
10 So they provided me a -- they provided me a list ah,
11 of students and I had approximately 75 to 90, you
12 know in that area? Of students? Um, which I
13 thought was ah, a good semester and ah, you know
14 from the standpoint of ah, the fact that most of my
15 students were need -- and -- and most -- you know
16 vocational students, a lot of people don't realize,
17 they didn't receive counseling from, you know our
18 Counseling Department, all counseling was done by
19 vocational staff, Lino and myself, because we're the
20 only two ah, in our department. So, ah I'm not
21 saying I'm the greatest counsel in the world, but I
22 do ah -- I am effective in certain ways, helping
23 people. Ah, I think you're knowledgeable in that,
24 so that -- that was a personal hurt for me and also
25 professional the fact that they ah, lost this ah,

1 activity. I'm proud of Lino hanging in there and
2 he's still hanging in there with the prison programs
3 and I think he's done a lot of good work with those
4 programs.

5 Q Um, was your ah, termination any more disruptive
6 than any typical termination or resignation would
7 be?

8 A Normally, it's non-traditional or unheard of that a
9 instructor or director is terminated in mid
10 semester? Normally, these are done ah, at the ends
11 of semesters? I mean, ah I've been a principal and
12 you -- resignations are always in educational -- in
13 the field of education are always done in the off
14 season? Ah, so to me, that was, I felt it was
15 malicious the fact that ah, it was done right in the
16 middle of a semester and that's unheard of ah, that
17 I know of in education. Any -- any decent educator
18 would never do that.

19 Q What about the fact that your contract terminated in
20 the middle of a semester?

21 A Actually, it was the end of November? So, ah and
22 the semesters normally end the first week of
23 December? So, it would have been a matter of one
24 week? Um, and from ah, like I say, the meetings I
25 had and ah -- ah my evaluations, everything was

1 satisfactory and ongoing, so ah, that's the last
2 thing that entered my mind was ah -- the morning of
3 the 24th.

4 Q Did anyone ever complain to you ah, directly about
5 the disruption your termination caused?

6 A Yes.

7 Q Who's that? And what did they say?

8 A It would be, ah Lino Santos, ah Ike Masga? People
9 that work for me? In the department?

10 Q What did they say?

11 A Um, they just thought it was a shame and that they
12 are hanging on barely. Ah, Lino was told to do all
13 the administrative work and he said that was not
14 his, ah -- he's an instructor and a lot of things he
15 couldn't really do? Um, and ah, so he asked for
16 help and then when he found out that Jack Sablan was
17 made director. Um, it was sort of ah, ironic that
18 Sablan didn't even know he was made director until
19 two weeks after he was appointed. By then,
20 basically he just relegated everything or delegated
21 to ah, Larry Omni (ph.), I believe his name was and
22 I know that he was not really happy about being the
23 chair of vocational because he had no, really
24 background and he was the chair of math and science,
25 he had a full load already. And, then the secretary

1 for math and science approached me and said that she
2 was having problems trying to take care of Lino
3 because this is a whole new department like, you
4 know and again, vocational programs take -- they
5 take a lot of man hours, people hours, ah getting
6 things done. You know like I say you're dealing
7 with adverse students in special circumstances,
8 prisoners, DYS, and ah, of course, Mr. Wolfe ah,
9 wasn't happy at all because he knew that he lost a
10 ah, major supporter and comrade in this project that
11 was ongoing and ah, then he was given a lot of
12 administrative work, especially after they made it a
13 department.

14 Q That you would have handled otherwise?

15 A Yes. Yeah, I did all the ah -- to me, their
16 position were instructors and leaders of this
17 program and not to be bogged by the tons of
18 paperwork that are involved in ah, a college
19 operation, especially when it's a government
20 operations and the follow up.

21 So, again, ah -- ah yeah, just from the
22 standpoint of a, just you know, lack of leadership
23 that was removed and the fact that I did work with a
24 lot of people and ah, had a fairly good rapport with
25 ah, almost everybody except a few people in

1 management at the college that I made public through
2 grievances to make it sure that it was open and if I
3 was in the wrong, then I should be then reprimanded
4 for filing, like I said before, a frivolous, ah
5 grievance.

6 Q What um, can you explain for me how you suffered
7 public humiliation and emotional distress as a
8 result of your termination?

9 A Well, when you're in the hallway and people walk by
10 and they see people changing the locks on your
11 doors? Ah--

12 Q Were you there when that was happening?

13 A Yes. And, of course, Rose Igitol and ah, I heard
14 wailing next door and ah, it was -- it was a
15 shocking ah, you know hours that day. When I walked
16 in there, I thought I was the only one terminated
17 when I was in there packing, but I heard this
18 wailing next door and Rose and Edith, they were
19 crying and ah, broken down on the floor and other
20 people are walking by and they saw us and they were
21 -- a lot of people in shock, I mean it was -- then
22 with the fact of, you know changing locks, it's like
23 they thought that we were -- we were caught, you
24 know maybe financial problems--

25 Q Why were they changing locks in front of you?

1 A Ah, you ask Mr. Wright.

2 Q They were doing this while you were inside? Or you
3 were standing in the hallway, or?

4 A I was -- we had until the end of the day to get our
5 stuff out and I had twisted my knee on the steps
6 outside? There were some moss? And, ah I had water
7 in my knee and I had, you know like a bucket drained
8 I think the previous day from my knee, so ah, it was
9 quite com -- you know, and they're watching me with
10 these boxes, they -- they were just shaking their
11 head and ah, then when the locks were--

12 Q Who's they?

13 A Staff. Other people in the Business Department next
14 door and I think the Community Programs are the
15 next, the other side, so then the ah, matter of --
16 of having them, you know changing the locks while
17 you're doing this ah, is very upsetting and ah, the
18 fact that ah, there was -- ah they asked, ah was I
19 in trouble and I go, I don't know what, to tell you
20 the truth, ah -- ah what they have or they just --
21 later on they said it was they -- they feared that
22 we'd go back in the office and destroy the computers
23 and things, made up these wild situations and none
24 of us did that, all 11 of us, ah you know--

25 Q Was that because there were locks on the doors and

1 you couldn't?

2 A That place is always unlocked, ah B -- especially B
3 Building. Um, because I would make it a rule to
4 lock doors a lot because students and late night
5 instructors and there are so many different keys. Ah
6 people are available, they borrow the key to get in
7 and -- and ah, of course, people have to get in my
8 office ah, to get stuff and eventually they ah, just
9 took all my stuff because they turned it real fast
10 into a conference room for ah, Tony Guerrero, I
11 believe. They just took all my documents and stuff
12 that Lino needed and just threw them down in the
13 basement ah, the bottom floor somewhere, just in a
14 big pile, so he had a major problem, you know trying
15 to find documentation and, you know registration
16 forms, these things, because I showed him where I
17 left them and he saw where they were, but then ah --
18 so, again, I knew people can get in and out, in and
19 out, and I was there ah, after ah, on different
20 occasions because my daughter was still a student
21 there and I'd visit and she was in the Business
22 Department right next door.

23 Q And, what -- what happened then?

24 A Just take care of her business and then ah, leave.

25 Q I mean, how -- how else besides just standing there

1 and watching them change your locks and having the
2 staff look at you, did you suffer this emotional
3 distress or this--

4 A And your daughter break down in front of you.

5 Q And that happened the day that you came back from
6 the--

7 A Yeah.

8 Q A meeting with the Lt. Governor?

9 A Yeah. So, that showed me the gravity of the
10 situation.

11 Q And she broke down, just -- you explained to her you
12 didn't know what was going on? And--

13 A No, I explained to her that I was told to leave the
14 college within four hours and -- and, ah she said
15 what could she do and I said, well, I gotta get the
16 stuff out so she helped me with the boxes, but she
17 was crying up and down the stairs.

18 Q How old was she?

19 A Ah she just turned 16 I believe.

20 Q At that time?

21 A Fifteen.

22 Q Fifteen at that time?

23 A She just turned -- I think she was 16 at the time.

24 Q Um--

25 A And of course, then when it went in the newspapers,

1 ah you know headlines, 11 people terminated, ah
2 reasons why? Not needed. Unnecessary. Ah and what
3 was necessary was ah, purchase the La Fiesta, so.

4 Q Did ah -- did you ever see a doctor over this?

5 A Ah, on and off? In the past year I've had to ah, go
6 to a doctor for stress and ah, receive ah,
7 medication to keep my stomach from boiling over and
8 just stress.

9 Q That's in the last, ah the year 2003 to 2004?

10 A Actually, it was it started in 2001 because of the
11 grievance I filed, it caused me ah -- because when
12 you file a grievance against your employer, it
13 doesn't make for a happy situation, especially when
14 not -- they're not -- they'd want to ignore it, you
15 know that it's tension involve until it got resolved
16 and -- and they never did get resolve. It got
17 resolved ah, prematurely. Ah the fact that I was
18 terminated before it was resolved in the EEO matter,
19 so. So, from 2001, then of course 2002 being out of
20 work in over 14 months and applying, I think you
21 have a list of all the jobs that I applied for at
22 the college and then they write you a letter saying
23 you're qualified, you're a good worker, please
24 apply? Then you apply, it's a big sham. Yeah, the
25 amount of interviews I went through that's

1 humiliating? You have to sit there and go through
2 the ah, process and then have them ah, basically ah,
3 say goodbye because of the selection they -- they
4 wouldn't pick anybody...[unintelligible] as the
5 president.

6 Q So, you saw a doctor for all of the stress?

7 A Yes.

8 Q Who, which doctor did you see?

9 A Pacific Care.

10 Q Any particular doctor there?

11 A I think one was Dr. Tan? I believe? And,
12 ah...[pause], so ah, another doctor that come and
13 go, I don't really remember--

14 Q And these doctors prescribed, um what kind of
15 medication?

16 A Ah, Prilosec (ph.). It's a stomach relaxer and acid
17 reducer and then ah -- ah Adavin? Sort of like a
18 tranquilizer I think? Stomach? And ah--

19 MR. SMITH: Okay.

20 A And also the ah -- the stress caused my asthma to
21 flare up and I was -- I've been on -- been given the
22 ah, inhalator? You know the--

23 MR. SMITH: Uh-huh.

24 A And ah--

25 Q Did they ever diagnose this as being related or

1 caused by your termination from the college?

2 A Well, I explained to them that I have stress related
3 problems and -- and they'd ask me why because before
4 they would prescribe and I would say I have
5 litigation and they would go, yeah, we can
6 understand, so they would always ah -- ah and, of
7 course, they would watch they wouldn't over
8 prescribed and I would go for a period of time
9 without and, ah just take care of business and then
10 it would fire up again, just to keep my ah -- ah you
11 know health hopefully in tact.

12 Q So, how long were you on these medications, for
13 instance Prilosec?

14 A I'm still on it.

15 Q Okay, when did you start?

16 A On Prilosec?

17 MR. SMITH: Yeah.

18 A First had it ah, I believe my first year at the
19 college? My stomach--

20 Q What year was that, 19?

21 A About the second year, '98, '99?

22 MR. SMITH: Okay.

23 A When I was getting ah, problems with ah, Barbara
24 Moyer?

25 Q Okay, so from '98 until today?

1 A Yes.

2 Q How about this Ad--

3 A I've taken antacids and things prior to that, but
4 Prilosec is sort of heavy duty ah--

5 Q How about this Adam -- the Adavin?

6 A On and off from that time frame, '98, '99.

7 MR. SMITH: Okay.

8 A Even off late, about 10 days ago? Um, I had an
9 asthmatic attack and I was ah -- I made it to the
10 hospital because I had lost my inhalator in the
11 flood? So, on the way home I rushed to the hospital
12 and they had to put me in oxygen, ah steroids and
13 they gave me ah, Adavin at the time because they
14 knew ah -- most people know of my litigation, so
15 when they hear my name, they talk and then they ah
16 -- but I explained to them mainly just to get -- try
17 to get a good night sleep. I take it normally at
18 night time just to get a good night sleep.

19 Q Did you ever -- ever need any of this type of
20 medication prior to being employed by the college?

21 A Yeah, prior ah, off and on I think, ah in the '80s?
22 At one time?

23 Q Do you consider yourself a stressful person?

24 A I am workaholic in a way and then ah -- ah I like
25 getting things accomplished and sometimes it's

1 frustrating ah, so I just ah, try my best to ah,
2 keep it under check from the standpoint, you know
3 try to not bring it home and ah, being able, you
4 know to do your job effectively.

5 Q Yeah. Okay, um you make the allegation, and this is
6 paragraph 55, that actually your termination was
7 discussed in non-public ah, Board of Regent
8 meetings. Um, why do you allege that, on what
9 basis?

10 MR. AGUILAR: I'm just gonna object again as to with
11 regards to requiring a legal opinion.

12 A It was mentioned in the Public Auditor's report, um
13 that the president met with the Board.

14 Q So, this allegation comes strictly from the -- based
15 on--

16 A For the -- yeah, for the most part. Um because
17 that's when we had first heard about ah, because
18 everything was so mysterious up until September 23rd?
19 Nobody had a clue? And then ah, after the fact, we
20 got the report and read it and apparently the Board
21 ah, was having meetings with Wright and we felt, you
22 know people terminated and other people that ah,
23 discussions of personnel and reorganization should
24 have been public, ah done in meetings, ah so.

25 Q You quote actually a provision of the ah, OPA

1 report, ah the Board expressed its frustration over
2 personnel matters, grievances, um why do you think
3 this was directed at you, personally? Assuming, of
4 course, that you're correct.

5 A I've seen the ah, legal ah, billings? I've had
6 access to them and ah, I don't believe there's a --
7 were that many grievances filed.

8 Q You mean other than yours?

9 A Yeah, just ah, in talking to other people ah, on
10 campus? Because normally you knew when grievances
11 are filed and from what I could gather there ah,
12 weren't that many at all and the fact that I had one
13 in '98 '99 and, again, in 2001, 2002, um and they
14 were, it was like, you know double, you know
15 grievance or EEO matter, um you know you would have
16 to -- you know somebody would have to be really
17 denying the fact that my grievances were not a
18 subject of discussion....

19 MR. SMITH: Uh-huh.

20 Awith the Board.

21 MR. SMITH: Okay.

22 A And it's frustration over the personnel matters, to
23 me is ah, frustrating the fact that if they would
24 have met with me, we could have resolved it and,
25 again, if I was in the wrong, I would have been

1 reprimanded, so ah, the statement they made to the
2 OPA ah, and again, it's based on the OPA report, I
3 can't vouch is a hundred percent accurate, but just
4 from what they reported, that ah--

5 Q Okay, your termination, in paragraph 63, you claim
6 was arbitrary and a retaliatory decision by NMC.
7 Are you claiming it was not the basis of the
8 reorganization plan?

9 A The reorganization plan has been proved over the
10 past two years, you know from my looking at ah,
11 financial reports, um that there was no money saved.
12 The positions that were removed, they still have
13 them? I mean they filled, they created 11 new
14 positions? Um on top of our positions? And, ah so,
15 all these factors point to that it was done in an
16 arbitrary and my situation, particularly, in a
17 retaliatory manner.

18 Q So, you think they devise this reorganizational plan
19 just to retaliate against you for your grievances?

20 A Ah part of it, you know my particular situation, the
21 other 10 ah, I received copies of letters that were
22 sent to the Legislature by ah, NMC employees and it
23 listed the reasons why various people on that 11,
24 list of 11, were terminated and, for the most part,
25 ah we were veterans and we were not confrontational,

1 but we were outspoken in meetings? Meaning the fact
2 that we brought issues up and we discuss them and --
3 and apparently this fell under this, ah system that
4 Wright had about he wanted a star system.

5 In other words, basically ah, everybody had to
6 be on the same page, his page, and so there was a
7 feeling that we were not honest page and he got this
8 information partly from Barbara Moyer.

9 Q And then concocted a reorganization plan
10 specifically to exclude these -- these people that
11 Barbara Moyer had ah, pointed out to him?

12 A From the standpoint of ah, this reorganization plan.
13 I mean what -- what did it serve. I mean ah -- ah--

14 Q Let me ask you, if -- if ah, the -- if it was shown
15 contrary to your assertion here today that actually
16 money was saved and that actually positions were
17 eliminated, ah would that change your position that
18 this was an arbitrary and ah--

19 A That money was saved?

20 MR. SMITH: Right, it wasn't--

21 A Even -- even if some money possibly was saved, ah
22 I'm looking at ah, you know I looked at the
23 financial sheets myself comparing 2002 and 2003 and
24 personnel costs, there's like a one percent change,
25 um--

1 Q And that, in your opinion, is not deemed sufficient?

2 A To ruin 11 lives? Ah--

3 MR. SMITH: Well, to take out some of these
4 arbitrary ah, allegation that you -- that you state.

5 A Again, the people that were in these positions they
6 were needed. Ah I was -- I was in a needed
7 position. I had a job. I had 80 students. Ah,
8 Dora -- Dora Sablan was in Admissions, in an
9 understaffed office? I mean ah, Jan Tenorio was a
10 Director of Admissions and they still have a
11 Director of Admissions. Ah, the comptroller, ah you
12 know Nestor? They had to go out and get another
13 comptroller? Ah, I mean every position, the Dean of
14 Student Affairs? There's still a Dean of Student
15 Affairs. So, the positions weren't the objective of
16 this, it was people that they wanted, ah removed,
17 that would not be on the star team, I guess,
18 whatever, but ah, this president concocted.

19 So, again, it was done in an arbitrary and
20 retaliatory fashion and I'm only speaking for my
21 position, ah that I can speak of. The others is
22 just based on, like I say hearsay and ah, the
23 general feel of what people were discussing and
24 letters they sent to the Legislature.

25 Q So, your allegation, if I'm understanding it right,

1 is that you were added to that list? Ah, I guess
2 are you saying that the reorganization was proper,
3 it's just that you were added illegally to that
4 reorganization list? Or you're saying the -- the
5 reorganization in general.

6 A I go back, before the reorganization was not done in
7 a proper manner. There was no input from directors,
8 deans. Like I said Agnes did it the proper way.
9 Three months. Ah I mean it's scheduled so it's done
10 in ah, the summer? When it's not disruptive to
11 classes? Ah I mean this was done in a ah -- by a
12 person who had been on the island for only ah, a
13 couple of weeks? Um, I mean it's unheard of in
14 management to do these type of things without
15 knowing what's running the place and who's running
16 it and what's going on, so again, ah -- ah and I --
17 and I know from the standpoint of people wanting to
18 know why it was suddenly rushed at the last minute
19 um, because it was very quickly the last week of
20 September 20th to the 23rd and the fact is that on
21 September 24th was my 60th day, they had to give it to
22 me on the 24th or they would not have given me the 60
23 day notice. So, because they found out that I've
24 been given the wrong contract, I was given a faculty
25 when I was, in fact, an administrator.

1 MR. SMITH: Hm.

2 A Because everybody was on a 90 day and they wondered
3 why ah, you know it came up later why they gave me
4 60 days and then, it was kind of ironic that a few
5 of them partly in jest they blamed me that it was
6 done because of my 60-day situation. So, ah you
7 know I'm not clueless to these factors and I knew
8 ah, they did a rush because they found out ah, you
9 know my contract because I, again, from looking at
10 legal invoices um, Mr. Borja reviewed I think our
11 contracts just the day before or two days before and
12 he's a smart enough attorney to be able to point
13 this out to NMC and say you better get something
14 done in a hurry or I would have, ah you know on
15 September 25th I don't think they would have legally,
16 because they just had a recent case, Mr. Freese
17 (ph.) I believe where they lost, they gave him ah,
18 they missed notice by one day on his termination and
19 they to reinstate him.

20 Q Okay, um what ah -- you claim to have been eligible
21 for Board of Regent mandated transfers? Um, what
22 basis do you make that allegation?

23 A Under the RIF policy? On the board policies? Ah
24 concerning reduction in force?

25 Q Are you aware whether those policies have ever been

1 used before?

2 A They have never been used?

3 MR. SMITH: Are you aware, I'm asking.

4 A Have they been used?

5 Q Yeah, have they ever been used. Are you aware of
6 them having been used at NMC while you were there?

7 A Ah, in -- from the standpoint, as I earlier said
8 about if there were problems in personnel that there
9 were transfers and people moved? To get away like
10 maybe personality conflicts?

11 Q Was that done pursuant to RIF?

12 A I've never seen the, you know the documentation to
13 the effect, I guess it would ah -- ah, because again
14 in the reorganization in 1998, there were ah,
15 mention of RIF and I was on a list of being RIFed,
16 ah and I think Ed Camacho wrote a letter to that
17 effect to the Dean in that ah, they had somehow
18 overlooked, my position was not even on the
19 organizational chart at the time, it was an
20 oversight, and they created a work force development
21 department and ah -- and they had a vocational
22 department, but so, they ah -- ah went back and did
23 a mini-reorganization or, you know add, you know
24 addendum.

25 MR. SMITH: Uh-huh.